

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	CASE NO. 2:06-CR-174-WKW
	)	
JANICE MOSES	)	
	)	

**ORDER**

This case is before the Court on the defendant's Unopposed Motion to Continue (Doc. # 15) the trial date. The criminal case is currently set for trial during the October 16, 3006 term. For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The Court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Ms. Moses in a speedy trial. In support of her Motion to Continue, Ms. Moses represents that, despite due diligence, additional time is needed to review discovery, i.e.,

defense counsel must still physically inspect the 2,000 + items seized from Ms. Moses's flea market booth. The United States does not oppose a continuance for this purpose, and Ms. Moses has filed a Waiver of Right to Speedy Trial.

Accordingly, it is ORDERED that the defendant's Motion to Continue (Doc. # 15) is GRANTED. Trial in this matter is continued from October 16, 2006, to the criminal term of court beginning on January 8, 2007.

DONE this the 5th day of October, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE